Bereskin & Parr

INTELLECTUAL PROPERTY LAW

November 5, 2003

Micheline Gravelle B.Sc., M.Sc. (Immunol.) 416 957 1682 mgravelle@bereskinparr.com

Your Reference: 09/902,563 Our Reference: 9579-37

ID:416 361 1398

Sent by Facsimile

The Commissioner of Patents & Trademarks Washington, D.C. 20231 U.S.A.

Dear Sir:

TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION Re:

United States Patent Application No. 09/902,563

Methods of Modulating Immune Coagulation **Entitled:**

Gary Levy Inventors: Filing Date: July 12, 2001 Examiner: Maher M. Haddad

Confirmation No.: 4438

Art Unit: 1644

Trillium Therapeutics Inc., a corporation of Ontario, of 96 Skyway Avenue, Toronto, Ontario, M9W 4Y9, Canada, is the owner of the entire right, title and interest in (1) U.S. Patent Application Serial No. 09/902,563, filed on July 12, 2001 and entitled "Methods of Modulating Immune Coagulation", by virtue of an assignment and a change of name document that is being filed simultaneously herewith under separate cover; and (2) U.S. Patent Application Serial No. 10/096,255, filed on March 13, 2002 and entitled "Methods of Modulating Immune Coagulation" by virtue of an assignment recorded at Reel 011438, Frame 0898 on January 15, 2001 and a change of name document that is being filed simultaneously herewith under separate cover.

Trillium Therapeutics Inc., hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory terms of U.S. Patent Application Serial No. 10/096,255 and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period

Please send all correspondence to the foronto office.

Scotia Plaza, 40 King St. West, 40th Floor, Toronto, Ontario, Canada M5H 3Y2 Tel: 416.364.7311 Fax: 416.361.1398

2000 Argentia Rd., Plaza 4, Ste. 430, Mississauga, Ontario, Canada ESN 1W1 Tel: 905.812.3600 Fax: 905.814.0031

Waterloo Technology Cames, 468 Albert St., Ste. 2, Waterloo, Ontorio, Conoda N2L 3833 /tel: 53.9.783.3210 Tax: 5197283.3211

www.bereskinparr.com

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- 2 -

that the legal title to said patent shall be the same as the legal title to U.S. Patent Application Serial No. 10/096,255, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successor, or assigns.

In making the above disclaimer, Trillium Therapeutics Inc., does not disclaim the terminal part of any patent granted on the above-identified application that would extend to the full statutory term of U.S. Patent Application Serial No. 10/096,255, as presently shortened by any terminal disclaimer, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321(a), has all claims cancelled by a reexamination certification, or is otherwise terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

The Commissioner is hereby authorized to charge the government fee of \$55.00 to our firm's Deposit Account No. 02-2095. The Commissioner is also authorized to charge any additional fee which may be required, or credit any overpayment, to our firm's Deposit Account No. 02-2095.

The undersigned is an agent of record in the application.

Respectfully submitted,

NOV-06-03 14:10 FROM:BERESKIN & PARR

GARY LEVY

Micheline Gravelle

Registration No. 40,261

Bereskin & Parr Box 401, 40 King Street West Toronto, Ontario, Canada M5H 3Y2

(416) 364-7311

Bereskin & Parr

Scotia Plaza, 40 King Street West, 40th Floor Toronto, Ontario, Canada M5H 3Y2 t: 416 364 7311 f: 416 361 1398

TELEFAX TRANSMITTAL

TO:

U.S. Patent & Trademark Office

ATT'N:

Maher M. Haddad - Examiner, Art Unit No. 1644

FAX NO.:

703-746-8319

TEL No.: 703-306-3472

FROM:

Micheline Gravelle

DATE:

November 5, 2003

PAGES: 9

(Including cover sheet)

File No.:

9579-37

Lawyer No.: <u>217</u>

If transmission is interrupted or of poor quality, please notify us immediately by calling Patricia Nolan at (416) 364-7311, ext. 6276

COMMENTS:

Re:

Serial No. 09/902,563 Filed: July 12, 2001

Our reference: 9579-37

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that the attached Terminal Disclaimer and its enclosures are being facsimile transmitted to the U.S. Patent & Trademark Office on the date shown below.

Registration No. 40,261

November 5, 2003

Date

CONFIDENTIAL

This communication may contain information that is privileged or confidential and is intended only for the us of the individual to whom it is addressed. Any other distribution, copying or disclosure is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return the original missage to us by mail. Thank you.

Bereskin & Parr

November 5, 2003

Micheline Gravelle B.Sc., M.Sc. (Immunol.) 416 957 1682 mgravelle@bereskinparr.com

Your Reference: 09/902,563 Our Reference: 9579-37

Sent by Facsimile

The Commissioner of Patents & Trademarks Washington, D.C. 20231 U.S.A.

Dear Sir:

Re:

LETTER

United States Patent Application No. 09/902,563

Entitled:

Methods of Modulating Immune Coagulation

Inventors:
Filing Date:
Examiner:

July 12, 2001 Maher M. Haddad

Gary Levy

Confirmation No.: 4438

Art Unit:

1644

The present facsimile is further to our telephone conversation of November 5, 2003.

As we discussed, we are enclosing a Terminal Disclaimer over United States Patent Application No. 10/096,255. As mentioned in the Terminal Disclaimer, both the present application and the co-pending application are owned by Trillium Technologies Inc. However, we still need to file the attached Assignment and Change of Name documents as mentioned in the Terminal Disclaimer. These documents are attached herewith for your information and will also be filed with the proper recordation sheet and fees through the Assignment section.

Please do not hesitate to contact us should you require further information.

Yours truly,

Micheline Gravelle

MG:ga Enc.

Please send all correspondence to the Toronto office-

FEE TRANSMITTAL

for FY 2004

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Other

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Effective 10/01/2003. Patent fees are subject to annual revision.

M Applicant claims small entity status, See 37 CFR 1.27

METHOD OF PAYMENT (check all that apply)

TOTAL AMOUNT OF PAYMENT

Credit card

The Director is authorized to: (check all that apply)

Charge any additional fee(s) or any underpayment of fee(s)

FEE CALCULATION

Fee Description

Utility filing fee

Design filing fee

Plant filing fee

SUBTOTAL (1)

Extra Claims

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

- 20 ** =

Reissue filing fee

Provisional filling fee

Fee Description

Claims in excess of 20

over original patent

Independent claims in excess of 3

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** Reissue claims in excess of 20

Multiple dependent claim, if not paid

Charge fee(s) indicated below, except for the filing fee

Check

Deposit

Account

Number Deposit

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1. BASIC FILING FEE

arge Entity Small Entity

Fee

Code (\$)

1001 770

1002 340

1003 530

1004 770

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Total Claims

Independent

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Multiple Dependent

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Claims

to the above-identified deposit account

2001 385

2002 170

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Small Entity

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2202

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PTO/SB/17 (10-03) Approved for use through 07/31/2008, OMB 0651-0032 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE Under the Papenvork Reduction Act of 1995, no persons are required to respond to a collection of information unless it diaplays a valid OMB control number. Complete if Known 09/902.563 Application Number July 12, 2001 Filing Date GARY LEVY First Named Inventor Maher M. Haddad **Examiner Name** 1644 Art Unit 9579-37 Attorney Docket No. FEE CALCULATION (continued) 3. ADDITIONAL FEES Large Entity | Small Entity Fee Fee Pee Fee Fee Description Gode (\$) Code (\$) Fee Paid 1051 130 2051 55 Surcharge - late filing fee or oath 25 Surcharge - late provisional filling fee or SO 2052 cover sheet 130 Non-English specification 1053 130 1053 1812 2,520. For filing a request for ex parte reexamination 1812 2,520 920* 1804 920* Requesting publication of SIR prior to Examiner action 1805 1,840* Requesting publication of SIR after 1805 1,840* Examiner action 2251 110 55 Extension for reply within first month 210 Extension for reply within second month 420 2252 950 2253 475 Extension for reply within third month 1254 1,480 2254 Extension for reply within fourth month 1,005 Extension for reply within fifth month 1255 2,010 2255 330 2401 165 Notice of Appeal 330 2402 165 Filling a brief in support of an appeal 145 Request for oral hearing 290 2403 1451 1.510 1451 1,510 Petition to institute a public use proceeding 1452 110 55 Petition to revive - unavoidable 2452 1453 1,330 2453 665 Petition to revive - unintentional 1501 1.330 2501 665 Utility issue fee (or reissue) 480 2502 240 Design issue fee 640 2503 320 Plant issue fee 130 1460 130 Putitions to the Commissioner 50 1807 50 Processing fee under 37 CFR 1.17(q) 180 1806 180 Submission of Information Disclosure Stmt 40 Recording each patent assignment per 40 8021 property (times number of propertion)

385 Filing a submission after final rejection

385 Request for Continued Examination (RCE)

385 For each additional invention to be examined (37 CFR 1,129(b))

900 Request for expedited examination

of a design application

(37 ČFR 1.129(x))

| **or number previous | SUBTOTAL (2) I(5) V.VVII | Other fee (specify) Te Reduced by Basic Fillr | rminal Disclai 1g Fée Pald | SUBTOTAL | (3) (\$) | 55.00 |
|----------------------|--------------------------|--|-------------------------------|--------------|--------------|-------|
| SUBMITTED BY | | | | (Complete (# | epplicable)) | |
| Name (Рыпитуре) | MICHELINE GRAVELLE | Registration No. (Attorney/Agent) | 40,261 | Telephone | (416) 364-7 | 7311 |
| Signoture | Draw | 2 11 11 | | Date | Nov. 5. 20 | 03 |

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

-1-

UNITED STATES

<u>ASSIGNMENT</u>

WHEREAS I, GARY LEVY, whose full post office address is 260 Henderson Avenue, Thornhill, Ontario, L3T 2M2, Canada, have invented certain new and useful improvements in an invention entitled METHODS FOR MODULATING IMMUNE COAGULATION for which an application for United States Letters Patent was filed on July 12, 2001 as serial No.09/902,563;

AND WHEREAS Transplantation Technologies Inc., a corporation of the Province of Ontario having a place of business at LuCliffe Place, 700 Bay Street, Suite 2108, Toronto, Ontario, M5G 1Z6, Canada, has acquired from me the whole right, title and interest for the United States of America and all other countries in and to the said invention and in and to any Letters Patent that may be obtained therefor, and in and to said application,

NOW THEREFORE, in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, the receipt of all of which is hereby acknowledged, I, Gary L vy, by these presents confirm that I have sold, assigned and transferred and do hereby sell, assign and transfer unto the said Transplantation Technologies Inc., the full and exclusive right to the said invention in the United States of America and all other countries and the entire right, title and interest in and to any and all Letters Patent which may be granted therefor, and the entire right, title and interest in and to said application, and in and to any divisions, continuations, continuations-in-part and extensions of said application, together with the right to claim the benefit of the right of priority provided by the International Convention for the Protection of Industrial Property based on said application for United States Letters Patent.

I agree that I will without further consideration do all such things and execute all such documents as may be necessary or desirable to obtain and maintain patents for said invention and for additions and modifications thereto in any and all countries, and to vest title thereto in said assignee, his successors, assigns and legal representatives or nominees.

- 2 -

I hereby authorize and request the Commissioner of Patents and Trademarks to issue said Letters Patent to the said Transplantation Technologies Inc., the assignee of the entire right, title and interest in and to the same, for his sole use and benefit, and for the use and benefit of his successors and assigns, to the full end of the term for which Letters Patent may be granted as fully and entirely as the same would have been held by me had this assignment and sale not been made.

The undersigned hereby grants the firm of Bereskin & Parr (Box 401, 40 King Street West, Toronto, Ontario, Canada M5H 3Y2) the power to insert on this assignment any further identification which may be necessary or desirable in order to comply with the rules of the United States Patent and Trademark Office for recordation of this document.

| SIGNED this day of | mix17 | _, 2003, at _lorone |
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| Witness | | / Gan Law |

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ARTICLES OF AMENDMENT STATUTS DE MODIFICATION

The name of the corporation is: (See out in BLOCK CAPITAL LETTERS) D'Anomination appeals actuals de la sociétal (Barles en LETTRES MAJÚSCULES SEUI FMENT) :

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1 Date of incorporation/amalgamation; Date de la constitution ou de le fusion :

1996/07/23

(Year, Month, Day) (mentile mois jour)

Complete only if there is a change in the number of directors of the minimum / maximum running of a tent templir cette perde seplement al le nombre d'administrateurs ou el le nombre minimel ou Maximal d'administrateurs e changé.

השלווונונוו THE PROPERTY. UNITEDEL Number (of minimum and maximum number) of mediaal directors levere: **HOMPIN** mhimel

Nombre (ou nombres missimal et maximal) d'administrateurs :

The articles of the corporation are amended as tokewa: Lua atablis de la acciété april modifiée de la façon puivanta :

- (a) by changing the name of the Corporation from Transplantation Technologies Inc. to Trillium Therapeutics Inc.; and
- (b) by deleting the provisions of item 1 in the articles of the Corporation as set out in the original Articles of Incorporation of the Corporation and substituting the following therefor:
 - 1. The name of the Corporation is Trillium Therapeutics Inc.

6711\$ (18/2001) DBG 01/2002

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Le modification a été d'unors autorisée cordonnément aux enticles 188 et 170 (selon le ces) de le Lei aus les sociétés par ections 7. The restolution authorizing the emendment was approved by the shareholdersidirectors (as applicable) of the exponsion pro Les actionnaires ou les naministrateurs (salon le pas) do le société ont approuve le résolution autorisant le modification le 2003/04/10 (Tee, Marin, Dey) ferred main jours Three articles are signed in duplicate. Las présents statuts sont signés en double exemplaire. TRANSPLANTATION TECHNOLOGIES INC. (Name of Coparation) (Dénomination stélate de la antilité) (If the restre is to be changed by those states sat the current ratios) (S) Fon demandé un shangement de nom, indiquer di-dessur le demonstration societé sobre By! Chief

The amendment has been only authorized as required by sections 186 and 170 (as applicable) of the plaintess Corporations.

07119 (12/8001) DEG 01/2002 (Signature)

(Sipolaria)